

**Statement of Jennifer Gillian Newstead
Nominee to be Legal Adviser, U.S. Department of State
Submitted to the Senate Foreign Relations Committee
October 18, 2017**

Chairman Isakson, Ranking Member Shaheen, and members of the Committee:

It is an honor to appear before you as the President's nominee to serve as Legal Adviser to the Department of State. I thank President Trump and Secretary Tillerson for their confidence in me. I would also like to thank the members of the Committee and their staff for the courtesies you have shown me since my nomination.

Several members of my family are here today: my husband, Alexander Mishkin; and our children, Henry and Charlotte Mishkin, of whom we are both very proud. Also with us are my parents, Dr. Gillian Maclaine Newstead and Dr. Graham Newstead, and my sister, Dr. Caroline Maclaine.

I am privileged to come from a family that instilled in me respect for public service. I was born on an Army base at Fort Dix, New Jersey, where my father was stationed during the Vietnam War. My mother, a naturalized citizen, came to the United States from the United Kingdom and has spent her career developing new technologies to diagnose and treat cancer in women.

Though the first lawyer in my family, I am actually the third generation of women to have pursued a professional career. My grandmother, born in 1914, was also a doctor who treated patients injured in bombing raids in World War II. A pioneer for her time, who sought no such recognition, she exemplified the values of hard work, personal responsibility, and strength in adversity. My family's example has inspired me to seek out opportunities for public service throughout my career.

If confirmed, it would be my honor to lead the team of more than 250 career lawyers and professionals who make up the Office of the Legal Adviser -- a group that is deservedly recognized as the most talented collection of international lawyers in the world. The mission of the office is simple, but critical: to provide rigorous and objective legal advice to the Secretary of State, other Department officials, and policymakers across the Federal government as they formulate and implement the foreign policy of the United States.

The Office of the Legal Adviser provides counsel and represents the United States on a broad array of issues affecting our vital national interests. These include counterterrorism and nuclear non-proliferation; economic sanctions and law enforcement efforts; the protection of U.S. citizens abroad; expanding U.S. trade and investment and promoting U.S. businesses overseas. The office also plays a unique role supporting the Department's critical mission to promote our values, the rule of law, and respect for human rights and democracy around the world.

On a personal note, the career path that led me here today began more than thirty years ago, when I first had the privilege of serving in the State Department as an intern. I was assigned to a delegation in Vienna negotiating confidence and security-building measures to support the reduction of conventional armed forces in Europe. The experience left an indelible impression of the dedication and skill of the foreign service officers and civil servants who perform critical missions every day on behalf of the United States.

That early experience also shaped my path in the law, and my desire to combine an international legal practice with opportunities for public service. In the 23 years since I graduated from Yale Law School, I have served as a law clerk to two distinguished jurists, Judge Laurence Silberman and Justice Stephen Breyer; in senior positions at the Department of Justice and the White House Counsel's Office; and as General Counsel of the Office of Management and Budget.

I joined the Justice Department several months before the terrorist attacks of September 11, 2001. In the aftermath of those terrible events, I worked with a dedicated team of attorneys at the Department, and with the bi-partisan staff of the Senate Judiciary Committee, to develop legislation to modernize longstanding law enforcement tools to better equip our government to fight terrorism.

In the White House Counsel's Office and as General Counsel of OMB, I worked closely with the General Counsels of agencies across the government, including the Departments of Defense, State and the Treasury, on a range of initiatives impacting our national security and international relations. In leading the legal function at OMB, I gained insight into the broad scope of the State Department's operations, and worked on regulatory issues involving treaty implementation and humanitarian efforts such as the President's Emergency Plan for AIDS Relief.

In my twenty years of private practice at a global law firm, I have acted as a counselor, litigator and negotiator on a range of international issues. I have advised clients on compliance with U.S. laws aimed at preventing corruption and money laundering; imposing economic sanctions; and protecting the integrity of the financial markets. If confirmed, those experiences should serve me well in carrying out the Legal Adviser's role in the negotiation and ratification of treaties and international agreements, and in representing the United States before international tribunals.

Most importantly, each of these roles has strengthened my conviction that a lawyer advising a critical function of government must have an unwavering commitment to integrity and independence. The lawyer's role is always to provide her client with the highest-quality advice. The most effective lawyers are pragmatic problem-solvers, who identify the range of lawful options available to policymakers.

At the same time, a lawyer must be willing to speak hard truths and identify limits where law and circumstances require. A lawyer must also be prepared to provide her best judgment on the wisdom of proposed actions, as well as their legality.

If confirmed, I would at all times seek to act with integrity, independence, and fidelity to the Constitution and the rule of law. I would also be guided by the wisdom, articulated by one of my mentors, that the demands of honor have special application to government service.

Thank you for your consideration. I look forward to your questions.